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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,036	06/11/2001	William V. Goodhue	5411	9802

6858 7590 03/18/2004

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EXAMINER

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ART UNIT PAPER NUMBER

3723

17

DATE MAILED: 03/18/2004

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 17

Application Number: 09/877,036
Filing Date: June 11, 2001
Appellant(s): GOODHUE ET AL.

Theodore A. Breiner
For Appellants

EXAMINER'S ANSWER

MAILED

MAR 18 2004

GROUP 3700

This is in response to the appeal brief filed 15 January 2004.

Art Unit: 3723

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

This appeal involves claims 1 and 68.

Claims 2-14 and 16-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 69-93 are allowed.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 2-14, 16-23, 24-31, 2-14 and 16-31 (claim 15 has been canceled), 69-93 and 1 and 68 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Art Unit: 3723

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

3,930,297	Potucek et. al.	1-1976
4,367,837	Manino	1-1983

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The rejection under section 112 is withdrawn. Thus this appeal involves only claims 1 and 68.

Claims 1 and 68 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by any of Potucek et. al. or Manino as all that is claimed is a drive unit and guide post that slidably mounts a cartridge holder and has a camming means to move the holder.

(11) Response to Argument

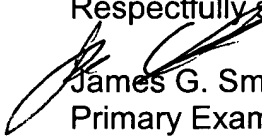
With respect to the prior art rejection of claims 1 and 68 on Manino, appellants argue that all the claimed limitations are not present in this patent. This is in error as the patent shows a guide post (41, 42) that is part of the driver (12) and a camming means (foot member 40 with cam link 84) located on the guide post (41, 42) as the entire member (40) is slidable on the guide posts and thus feed the cartridge belt through the foot member. The entire member (40) also has an entry port through which the cartridge belt is feed, and is therefore a "cartridge holder" as broadly claimed. Thus all the claimed elements and their functions are shown in the patent thus the claims are anticipated by Manino.

Art Unit: 3723

Potucek et. al. is a similar type of screw gun with a foot member (100) slidably mounted on a guide post (102) and the foot member having a cam lever to advance or feed the belt through the member.



For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



James G. Smith
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jgs
March 17, 2004

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